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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/694,658 | 10/28/2003 | Donald F. Gordon | SEDN/070CON1 | 4003 |

56015 7590 10/03/2008

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| EXAMINER |
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BROWN, RUEBEN M

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| ART UNIT | PAPER NUMBER |
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2623

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| MAIL DATE | DELIVERY MODE |
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10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/694,658 | Applicant(s) GORDON ET AL. | |
| | Examiner REUBEN M. BROWN | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-20 and 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Terasawa, (U.S. Pat # 6,147,714).

Considering claim 15, the claimed system for providing a plurality of programs to at least one consumer, the plurality of programs having associated time & channel parameters,

‘forming, for a first plurality of channels, a first program guide information stream, such that the first program guide information stream comprising video representation of programming offered by each of the plurality of channels during a predetermined period, wherein the program guide information stream includes video objects associated with respective parameters’, is met by the disclosure of Terasawa that teaches EPG data transmitted from the server to the subscriber

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in MPEG format, col. 3, lines 21-65; col. 5, lines 5-31. Since MPEG data is video and the channel are selectable units, the claimed video objects is met by the reference.

‘forming, for a second plurality of channels, a first program guide information stream, such that the first program guide information stream comprising video representation of programming offered by each of the plurality of channels during a predetermined period, wherein the program guide information stream includes video objects associated with respective parameters...the second program guide video objects arranged substantially the same manner as the first program guide information objects’, the claimed additional limitation is broad enough to read on the disclosure in Terasawa that there may be multiple data streams, for instance for Movies, Sports, Music Drama, etc. (see Fig. 32; col. 17, lines 35-67 thru col. 18, lines 1-45). Also see Figs. 35-36, which meets subject matter.

‘providing the first and second program guide information streams to the consumer, such that they are temporarily aligned according to the predetermined time’ reads on Figs. 8 & 9.

Considering claim 16-17, the claimed feature of contextually related program guide information reads on the disclosure of Figs. 32, 33 & 36, that display programs according to theme or category.

Considering claim 18, Terasawa meets the claimed subject matter, see Figs. 1 & 2; col. 4, lines 21-64.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-20 & 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa, in view of Hendricks, (U.S. Pat # 5,734,853).

Considering claim 19, the claimed system providing a plurality of programs to at least one consumer, comprising elements that correspond with subject matter mentioned above in claim 15, are likewise treated.

As for the additionally claimed, ‘selecting in response to a user interaction a first time period of interest, and identifying a first physical channel including program guide information associated with a first time period of interest’ reads on the disclosure of Figs. 8 & 9, which show a list of programs displayed in an EPG within a particular time period of interest.

Regarding the further claimed, ‘retrieving from memory a graphic overlay, comprising graphic objects each of the plurality of graphic objects having a predefined position visually

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cooperative with a display position of a corresponding video object and selectively emphasizing the video objects', Terasawa does not discuss such a feature. Nevertheless, Hendricks which in the same field of endeavor of interactive program guides, provides a teaching of an EPG template being stored at a subscriber STT, col. 11, lines 51-67 thru col. 12, lines 1-20.

Hendricks teaches that at least part of the template is to highlight a customer's selection of a program, which reads on the claimed subject matter, see col. 25, lines 35-67 thru col. 26, lines 1-45. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa with the feature of locally storing interactive graphic overlay, at least for the advantage of reducing the need to transmit all of the EPG components at one time, as taught by Hendricks, (col. 16, lines 59-67) which at least saves bandwidth.

The claimed feature of 'presenting the first program guide information' is inherent in Terasawa & Hendricks.

Considering claim 20, since Terasawa teaches multiple streams of PEG data, as discussed above, the additionally claimed feature of a second program guide information stream, is also met.

Considering claim 22, the claimed video layer, presented as a video stream, also corresponds with the discussion of Terasawa that the EPG objects are transmitted as a video stream, i.e., MPEG stream.

Considering claims 23-30, the overlay menu graphics in Hendricks meets the claimed subject matter, since it is used to place EPG in their appropriate position on the screen.

Furthermore, Hendricks discloses that the overlay menu, covers portions of the TV screen, which reads on x-y border that encloses the video layer.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Augenbraun, Wugofski Teach separating EPG in to data and graphic template.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2623